IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.14319 of 2006

Dated: July 17, 2006

Between:

Dr. C. Manjula, D/o. C. Rama Raju,
aged 32 years, Occ: Academic Consultant,
Nizam College, Hyderabad, and another.

… Petitioner

And

The Government of Andhra Pradesh, rep. by its
Secretary, Education Department, Secretariat,
Hyderabad and others.

… Respondents

Order:

The petitioners, two in number, have filed this writ petition seeking Mandamus to declare the action of the second respondent in dis-engaging their services for the academic year 2006-07 and also in not regularizing their services as lecturers/Assistant Professors as arbitrary and illegal.

2. Heard the learned counsel for the petitioners and the learned

Standing Counsel appearing on behalf of the second respondent university.

3. First petitioner was initially appointed in Andhra Mahila Sabha as lecturer in Zoology in the year 2001 and from 2004, she has been working in Nizam College, a constituent of Osmania University, as Academic Consultant. The second petitioner has been appointed as Academic Consultant in the year 2004 in the Nizam College. Their grievance is that though they have put in long service, respondents are disengaging their services every academic year and reengaging them at the commencement of the subsequent academic year. It is stated that they have been appointed on contract basis and continued as such though they were selected through the selection committee. They also claim regularization of their services in view of their effective discharge of functions as lecturers.

4. The learned Standing Counsel for the second respondent university, on instructions, submits that the petitioners were not appointed against regular vacancies by following regular procedure. Their services were being utilized having regard to the workload in the college; hence, the petitioners do not have any right to seek directions either for continuance or for regularization. In support of his argument, he relied on a recent judgment of the Apex Court reported in **Secretary, State of Karnataka V. Umadevi and others**[1]**.** He further submits that the third respondent college is proposing to fill up vacancies on permanent basis for this academic year and is also contemplating to make appointments having regard to the workload in the college.

5. Admittedly, petitioners were not appointed in the third

respondent college against regular vacancies by following due procedure under law for making selections and appointments. Having regard the workload in the college, their services were being utilized in the third respondent college from the academic years 2004-2005 and 2005-2006 on a fixed remuneration. So far as the first petitioner is concerned, though it is stated that she has been appointed initially in the year 2001, it is to be seen that the services rendered by her in the Andhra Mahila Sabha has got nothing to do with the services in the third respondent college. Andhra Mahila Sabha is not a college, which is constituent to any university, but it is an affiliated college. In any event, as the petitioners were not selected against regular vacancies, in view of the judgment of the Apex Court referred above, they do not have any vested right to seek either for continuance or for regularization of their services in the third respondent university.

6. As much is stated that the third respondent college is taking steps to fill up the vacancies on permanent basis and also contemplating to make appointments having regard to the workload and requirement, this academic year also, which would take some time, I dispose of the writ petition directing the respondents to consider the case of the petitioners for appointment, along with other eligible candidates, keeping in view the earlier services rendered by them during the previous academic years.

7. The writ petition is disposed of with the above directions. No order as to costs.

JUSTICE R. SUBHASH REDDY.

July 17, 2006

N.B. **Furnish C.C. in two days**

B/o

MRR

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[1] **(2006) 4 SCC 1**